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KRAMER | AMADO^{PC}PATENT RESEARCH SERVICES
INTELLECTUAL PROPERTY LAW1725 DUKE STREET
SUITE 240
ALEXANDRIA, VIRGINIA 22314
PHONE: (703) 519-9801
FACSIMILE: (703) 519-9802
WWW.KRAMERIP.COM**Fax Memo**

TO: Mail Stop Amendment
USPTO

FAX NO.: (571) 273-8300

FROM: Arlir M. Amado
KRAMER & AMADO, P.C.

DATE: May 16, 2006

SUBJECT: U.S. Patent Application
Title: METHOD AND COMPOSITION FOR TREATING
HYPOPIGMENTATION OF THE HAIR AND SKIN
Serial No.: 10/782,827
Attorney Docket No.: 10/782,827

PAGES: INCLUDING COVER PAGE (5)

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Message: Submitted herewith are the following:

- Transmittal Form (1 page)
- Response to Restriction Requirement (3 pages)

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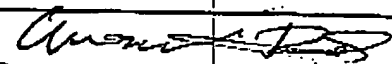
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/782,827	
	Filing Date	February 23, 2004	
	First Named Inventor	Audrey Van Stockum	
	Art Unit	1616	
	Examiner Name	Ernst V. Arnold	
Total Number of Pages in This Submission	4	Attorney Docket Number	SNH 3001

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	Kramer & Amado, P.C.	
Signature		
Printed name	Arlir M. Amado	
Date	May 16, 2006	Reg. No. 51,399

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CENTRAL FAX CENTER[®] Attorney Docket Number: SNH 3001
Serial Number: 10/782,827
MAY 16 2006

PATENT
IN THE UNITED STATE PATENT AND TRADEMARK OFFICE

In re Application of	:	Audrey Van Stockum
Title	:	METHOD AND COMPOSITION FOR TREATING HYPOPIGMENTATION OF THE HAIR AND SKIN
Serial No.	:	10/782,827
Filing Date	:	February 23, 2004
Examiner	:	Ernst V. Arnold
Art Unit	:	1616
Attorney Docket No.	:	SNH 3001
Confirmation No.	:	5450

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

In response to the Office Action dated April 17, 2006, the following remarks are submitted.

The Examiner has asserted that the present application contains claims directed to two (2) distinct inventions. The inventions identified in the Office Action include the claims of Group I, claims 1-18, 21, and 22, drawn to a method for treating disorders marked by a loss of pigmentation; and Group II, claims 19 and 20, drawn to a method for treating disorders marked by a loss of pigmentation in a female patient. Both methods involve treating a patient with vitamin B12, copper, folic acid, and vitamin C. The examiner asserts that the inventions differ in that Group II requires a predetermination if the female

Attorney Docket Number: SNH 3001
Serial Number: 10/782,827

patient is undergoing menses, which is not required in Group I. Based on the predetermination, the composition changes (i.e., if the female patient is undergoing menses, copper is omitted from the composition).

A restriction requirement has been imposed requiring election of one of the two groups on the alleged basis that the above-identified groups are distinct from each other.

In response to the restriction requirement, Applicant hereby elects, with traverse, Group I directed to claims 1-18, 21, and 22.

Applicant respectfully traverses the restriction requirement as improper. The Applicant notes that the examiner is expected to search and examine an entire application "if the search and examination of an entire application can be made without serious burden, even though it includes claims to distinct or independent inventions." MPEP § 803.

In this case, it is respectfully submitted that all of the embodiments of this application can be examined at the same time without serious burden to the Examiner. The search required for the non-elected group would be co-extensive with that required for the elected group, because both groups are directed to a method for treating disorders marked by a loss of pigmentation by treating a patient with vitamin B12, copper, folic acid, and vitamin C. The Applicant respectfully notes that contrary to the Examiner's statement in the Office Action dated April 17, 2006, the subclasses identified by the Examiner in Class 424 and Class 514 are all directed to specific ingredients of the compositions. For example, Class 424, subclasses 630 and 641 are relevant to the copper and zinc components identified in the claims of both Group I and Group II. The same goes for Class 514, subclasses 52, 168, 474, and 904, which are relevant to the vitamin components identified in the claims of both Group I and Group II. None of the identified subclasses appear to address a step of adjusting the composition based on a predetermination if the female patient is undergoing menses. Accordingly, the applicant, through her representative, respectfully submits that the searches for Group I and Group II are entirely coextensive, can be made with no undue burden on the office. Accordingly, the restriction requirement is improper under MPEP § 803.

Attorney Docket Number: SNH 3001
Serial Number: 10/782,827

Therefore, it is submitted that no serious burden would result if all of the embodiments of this application were examined concurrently. Accordingly, withdrawal of the restriction requirement and examination of all of the embodiments of this application are respectfully requested. In addition, the Applicant respectfully requests that the Examiner continue to examine the nonelected species of Group II, claim 19, if the claims reading on coenzyme Q10 are allowable. Applicant notes that MPEP § 803.02 requires that "if the elected species is allowable, the search will be extended to other species."

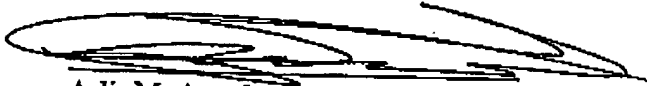
The Commissioner is authorized to charge any fees which may be required or to credit any overpayment to Deposit Account No. 50-0578.

Respectfully submitted,

Dated: May 16, 2006

KRAMER & AMADO, P.C.
1725 Duke Street
Suite 240
Alexandria, VA 22314
Telephone: (703) 519-9801
Facsimile: (703) 519-9802

TWK/AMA/TAP/ars


Arlir M. Amado
Reg. No. 51,399